

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: January 26, 2017

Judge: Hon. James Donato

Time: 32 Minutes

Case No. **C-14-03264-JD**

Case Name **IN RE CAPACITORS ANTITRUST LITIGATION**

Attorney(s) for Plaintiff(s): Adam Zapala/Mark Ram/Charles Tompkins/
Joseph Saveri

Attorney(s) for Defendant(s): Michael Tubach/Eric Enson/Jeffrey Kessler/Ian Papendick/
Ashley Bauer/Joseph Bial/Aaron Gott/Dennis Loomis/
Bonnie Lau

Deputy Clerk: Lisa R. Clark

Court Reporter: Kathy Sullivan

PROCEEDINGS

Indirect purchaser plaintiffs' motion for leave to amend complaint (Dkt. No. 1414) - Held

Motion hearing re defendants' supplemental brief in support of FTAIA Phase I summary judgment motion for indirect purchaser claims based on foreign sales (Dkt. No. 1372) - Held

NOTES AND ORDERS

The Court will issue preliminary approval orders for the pending settlement motions. The IPPs state that they have not yet run notice, and the Court will issue the preliminary approval order with revised dates -- May 31, 2017 for requests for exclusions, objections, and notices to appear at the final approval hearing, and July 6, 2017 for the final approval hearing (note: date changed after hearing because date proposed by counsel, June 25, 2017, is a Sunday). The DPPs state that they have run notice. The Court will issue the DPPs' preliminary approval order with the dates as previously submitted, and the final approval hearing on the DPP side will go forward on March 2, 2017.

For the reasons stated on the record, the Court grants the IPPs' motion for leave to amend their complaint, Dkt. No. 1414, under FRCP Rule 15.

The Court discusses the pending deposition location issue with counsel. Dkt. Nos. 1403, 1395. The parties state that they are willing to re-engage in meet and confer efforts on this issue. The

parties are directed to advise the Court by February 16, 2017, whether they were able to resolve the issue by agreement or if a ruling by the Court is needed.

The Court takes the supplemental FTAIA Phase I motion (Dkt. No. 1372) under submission, and generally discusses FTAIA issues with the parties. The IPPs are ordered to supplement their responses to the interrogatories propounded by defendants by February 27, 2017. Defendants are directed to file their FTAIA Phase II motions, if any, for the IPPs' claims, by March 23, 2017.

The Court briefly discusses class certification issues with the parties. DPPs state that the disputed issues are likely to be the appropriate time period for any certified class and the products that were subject to the alleged conspiracy. DPPs will file their class certification motion on the schedule previously ordered by the Court.

On the DPP side, the Soshin defendants' pending summary judgment motion is the only FTAIA Phase II motion. The parties intend to submit a stipulation modifying the briefing schedule for that motion.